

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

GUARDIAN PIPELINE, LLC,

Plaintiff,

v.

Case No. 08-C-28

295.49 ACRES OF LAND
more or less, in Brown Co., Calumet Co.,
Dodge Co., Fond du Lac Co., Jefferson Co.,
and Outagamie Co., WI, et al.,

Defendants.

ORDER REGARDING MOTION TO AMEND

Guardian Pipeline, L.L.C. ("Guardian") has filed a motion to amend this Court's order granting immediate possession of those property interests necessary for the construction of its natural gas pipeline in the above matter. In response to Guardian's motion, the Court directed Guardian to advise the Court as to how notice would be provided to those Landowners who have not formally appeared in the action and with whom Guardian has not reached agreement. Guardian has now proposed to serve a copy of the motion and the supporting declaration of Michael Timpson on each non-appearing Landowner Defendant who has not reached a settlement with Guardian. Guardian proposes that its service be made via first-class U.S. Mail. It believes that service by mail is appropriate, given that all of the Defendants failed to appear despite having been personally served with the initial complaint which set forth much broader takings than are at issue in the motion. Guardian also notes that it is unknown whether any of the remaining properties in the

action would be subject to the three-lift soil handling procedures that necessitate the additional twenty-five feet of temporary workspace requested in the motion.

The Court has considered Guardian's proposal and finds it fair and reasonable. Accordingly, Guardian is ordered to provide notice of its motion to amend the Court's order for immediate possession on the non-appearing Defendants who have not reached settlement agreement by serving a copy of the motion and supporting declaration of Michael Timson upon them via first-class U.S. Mail.

SO ORDERED this 11th day of June, 2008.

s/ William C. Griesbach

William C. Griesbach
U.S. District Judge